

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER CAPANELLI, : 06 Civ. 15397 (SHS)

Plaintiff, :

-against- : ORDER

NYP HOLDINGS, *ET ANO*, :

Defendants. :

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SIDNEY H. STEIN, U.S.D.J.

By letter dated July 28, 2009, defendants' attorney notified the Court that all parties have agreed upon a new trial date of September 14, 2009. Accordingly,

IT IS HEREBY ORDERED that the trial of this action will begin at 9:30 a.m. on September 14, 2009. Given the history of this action, see, e.g., the Order of July 15, 2009, the Court will entertain a motion to dismiss this action pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute if the action is unable to go to trial on September 14, due to any actions or conditions of the plaintiff or his attorney. The parties are also notified that the Court has another action scheduled for trial on that date; the parties shall contact the Court's deputy (212-805-0087) to ascertain the status of that trial as the date approaches.

Dated: New York, New York
July 28, 2009

SO ORDERED:


Sidney H. Stein, U.S.D.J.